

# Notice of Allowability

Application No.

10/612,187

Examiner

Joseph Kosack

Applicant(s)

BEERS, SCOTT

Art Unit

1626

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Reply to Non-Final Rejection received 02 May 2006.
2. ☒ The allowed claim(s) is/are 1, 4-14 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1 and 4-17 are pending in the instant application.

#### ***Amendments***

The amendment filed on May 2, 2006 has been acknowledged and has been entered into the record.

#### ***Election/Restrictions***

The Restriction Requirement made on September 01, 2005 was made final in the previous office action mailed on January 5, 2006. The elected subject matter was detailed in the action mailed on January 5, 2006.

#### ***Status of the Claims***

The amendment filed on May 2, 2006 has cancelled claims 2 and 3. Claims 1 and 4-17 are now pending in the instant application. Applicant has asked if the 35 U.S.C. 103(a) rejection were withdrawn to extend the search to encompass all values for R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub>, and t. The Examiner has extended the search per Applicant's request and the elected subject matter is stated in the currently amended claims.

#### ***Previous Claim Objections***

Claims 1-12 were objected to in the action mailed on January 5, 2006 for containing elected and non-elected subject matter. Applicant has cancelled the non-elected subject matter and the objection is withdrawn.

#### ***Previous Claim Rejections - 35 USC § 103***

Claims 1-13 were rejected under 35 U.S.C. 103(a) in the action mailed on January 5, 2006 as being unpatentable over Lau et al. (*Biorganic & Medicinal Chemistry*

*Letters 1995*, 1615-1620) in view of McMurry (*Organic Chemistry, Fourth Edition 1996*, pages 377-385, 603-604, 679-680, and 946-947), and Dominianni et al. (WO 96/13264).

Applicant's arguments as to the motivation to combine the teachings of the prior art were found to be persuasive and the rejection is withdrawn.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John W. Harbour on June 12, 2006.

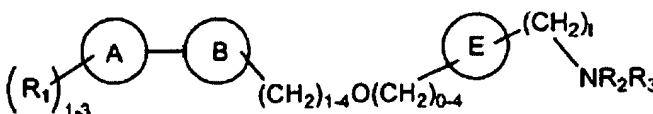
In claim 14, line 2, after 'inflammatory disorder' insert ---wherein the disorder is selected from inflammatory arthritis, potassium peroxochromate arthritis, rheumatoid arthritis, or osteoarthritis---.

Delete claims 15 and 16.

### Reasons for Allowance

The instant invention is drawn to compounds and methods of use of compounds

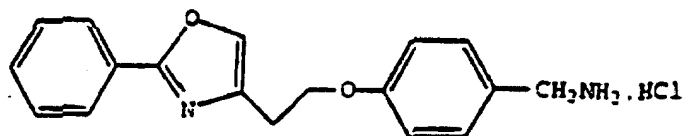
of the formula:



with substitutions as

defined. The closest prior art teaches compounds of the formula:

Art Unit: 1626



, but there are no teachings that show motivation to change the oxazole ring of the non-drug to a thiazole ring of the instant invention that does act as a drug. Therefore, claims 1, 4-14, and 17 are allowed. The restriction requirement made on September 01, 2005 is hereby withdrawn.

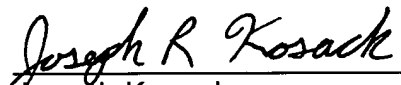
### ***Telephone Inquiry***

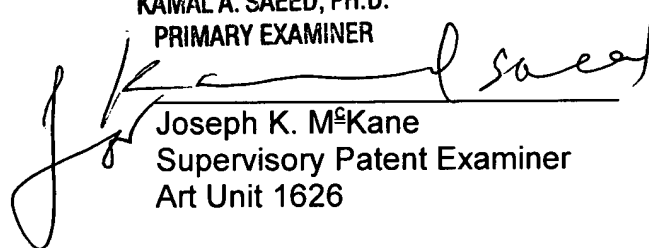
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M & W 5:30 A.M.-6:00 P.M. and T & Th 5:30 A.M.-2:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph Kosack  
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Art Unit 1626